

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CARLOS TORRES,

Plaintiff,

-v.-

Civil Action No.
9:06-cv-818 (GLS/GJD)

WALTER GAVULA, et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

CARLOS TORRES
Petitioner Pro Se
Last Known Address:
A 47799530
Buffalo Federal Detention Center
4250 Federal Drive
Batavia, New York 14020

FOR THE RESPONDENT:

HON. ANDREW M. CUOMO
Attorney General for the State
of New York
Attorney for Defendants
The Capitol
Albany, New York 12224

DAVID M. FINKLESTEIN, ESQ.

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Chief Magistrate Judge Gustave J. DiBianco, duly filed July 31, 2007. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Chief Magistrate Judge Gustave J. DiBianco filed July 31, 2007 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the defendants' motion to dismiss for failure to prosecute (Dkt. No. 16) is GRANTED, and that the amended complaint is DISMISSED WITHOUT PREJUDICE FOR NINETY (90) DAYS FROM THE DATE OF THIS ORDER, and it is further

ORDERED, that if plaintiff fails to update his address, the amended complaint will be DISMISSED WITH PREJUDICE ON THE NINETY-FIRST DAY FROM THIS ORDER, and it is further

ORDERED, that if plaintiff files a change of address before the expiration of one hundred eighty (180) days from the date of this order, the

case shall be returned to the court to evaluate whether the case should be reopened, and it is

ORDERED, that the Clerk of the Court is to enter judgment in favor of the Defendants and close this case.

IT IS SO ORDERED

Dated: August 22, 2007
Albany, New York



Gary L. Sharpe
U.S. District Judge